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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/719,475

11/21/2003

Nicholas S. Huslak

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AT&T Legal Department - CC

Attn: Patent Docketing

Room 2A-207

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EXAMINER

BLACK, LINH

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/719,475	<b>Applicant(s)</b> HUSLAK ET AL.	
	<b>Examiner</b> LINH BLACK	<b>Art Unit</b> 2169	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 23 March 2009.

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1,3-6,8-11,13-16,18-21 and 23-29 is/are pending in the application.

    4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1,3-6,8-11,13-16,18-21 and 23-29 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All    b) ☐ Some \*    c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_.

4) ☐ Interview Summary (PTO-413)  
    Paper No(s)/Mail Date \_\_\_\_\_.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

This communication is responsive to the Applicants' Amendment dated 3/23/09. Claims 1, 3-6, 8-11, 13-16, 18-21, 23-29 are pending in the application. Claims 1, 11, and 21 are independent claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-6, 8-11, 13-16, 18-21, 23-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Logan et al. (US 2003/0093790).

As per claim 1, Logan et al. teach

gathering a list of available programming data from a server; storing the list of available programming data in a database – pars. 93, 260, 264-265, 280.

gathering program recommendation guides from non-customer third parties and storing the program recommendation guides in a recommendation guide database, the program recommendation guides comprising lists of programming data recommended

by the non-customer third parties – pars. 102 (a fan club for a particular actor might create a Web Site devoted to that actor and share metadata with other viewers), 227 (recommendations, ratings, descriptive EPG data, and the like from both professional reviewers and from other viewers may be returned to the user as an aid to selecting programming content of interest from the available recorded materials. Professional reviewers can be equivalent to non-customer third parties).

presenting a user interface to a the customer entity along with the program recommendation guides – pars. 140, 282, 312.

receiving from the customer entity at least one selection from the program recommendation guides and storing the at least one selection in a customer preference database; receiving a request from said customer entity for an on-screen program listing - 88, 117-118, 272, 374, 415.

processing the request by comparing a list of recommended programming data of the at least one program recommendation guide selection with the list of available programming data and modifying an available on-screen program listing of the list of available programming data according to the list of recommended programming data of said at least one program recommendation guide selection – pars. 163-164, 274, 393-394.

presenting a filtered on-screen program listing to the customer entity resulting from the processing – pars. 463-464, 473.

automatically signaling a personal recording device to record a program on behalf of the customer entity – pars. 225, 393, 415.

the user interface includes an option to enable the customer to globally turn off...presenting otherwise blocked titles to the customer when the option is turned off – pars. 399-404 (the family editor have the ability to change the rating of segment or disable the offending attribute. this would be done via a simple thumbs up/down type of one click action on the remote...the use of an edited playlist for providing an expurgated version of a show does not prevent others from watching the show in its entirety. Thus, parents may filter movies for their children, but may watch the same movies in their entirety when their children are not present...In another form of “viewing with parents”, the default could be that an adult segment would automatically be skipped unless the system was told otherwise...the adult could read the index information or decide based on other circumstances to override the setting and have the segment play”. Thus, the interface seems to provide an option/feature to enable the customer to allow/override blocked movies or blocked sections to be displayed. Therefore, seems to be equivalent to the global turn off because there is no mentioning/teaching of customer's preference needs be edited.

As per claim 3, Logan et al. teach

automatically signaling the personal recording device to record a plurality of programs simultaneously – pars. 225, 249 (since the user typically has only one or a few tuners

available, and/or a limited capability to record plural programs at the same time, and limited storage, predictive tuning may be applied to increase the likelihood that programming will be captured which best fits the user's preferences. Therefore, Logan's teaching is not limiting to recording a plurality of programs at the same time/simultaneously).

As per claim 4, Logan et al. teach

generating a custom program recommendation guide by the host system using the available programming data and storing said custom program recommendation guide in said database – pars. 95, 105, 128, 264.

As per claim 5, Logan et al. teach

deleting programs ...; retaining any programs appearing as acceptable programs on the list of recommended...; handling programs not otherwise dealt with by the at least one program recommendation guide selection in accordance with instructions provided by the customer entity – pars. 116-117, 140-143, 163-164, 274.

As per claim 6, Logan et al. teach

wherein said third parties include external sources comprising at least one of: a film institute; a magazine; a religious organization; a topical web site; a video store; and a commercial business – pars. 142, 162-164, 394, 464.

As per claim 8, Logan et al. teach

presenting a filtered on-screen program listing in accordance with an access level granted to an account member, said access level extending or limiting access to view program listings – pars. 419, 435-436, 503-504.

As per claim 9, Logan et al. teach

wherein the transmitting a program signal to said customer entity in response to a request to view a program further includes transmitting the program signal in accordance with an access level granted to an account member, the access level extending or limiting access to view a program – pars. 47, 435-436.

As per claim 10, Logan et al. teach

signaling the personal recording device in accordance with an access level granted to an account member, the access level extending or limiting access to record a program or view an already recorded program – pars. 419, 503-506.

As per claim 13, Logan et al. teach

evaluating the customer entity's service plan and filtering by the customer entity's available channel listing – pars. 254-255 (fee to view copies, prevent preview segments from being transferred to another user); 419 (business rules, digital right management, and payment systems could be associated via metadata to the content allowing or disallowing functions); 427-428 (payment systems ...allowing users to purchase special rights for a show or parts of a show...buying the rights to copy to a permanent archive or a permanently saved portion of the PVR hard drive...)

As per claim 28, Logan et al. teach

transmitting a program signal to the customer entity...in accordance with an access level granted to an account member, the access level extending or limiting access to view a program – pars. 29-31, 43, 225.

wherein the account member is a member of a household...based upon rights assigned by a master account holder in the household; determining view and record capabilities of the account member based on the rights - pars. 254-255 (fee to view copies, prevent preview segments from being transferred to another user); 419 (business rules, digital right management, and payment systems could be associated via metadata to the content allowing or disallowing functions); 427-428 (payment systems ...allowing users to purchase special rights for a show or parts of a show...buying the rights to copy to a permanent archive or a permanently saved portion of the PVR hard drive...) So based



on rights associating with a member/household, certain viewing or transmitting or accessing are allowed.

Claims 11, 14-16, 18-20, 23-27, 29 claim the same subject matter as of claims 1, 3-6, 8-10, 13, 28 and are rejected based on the same ground of rejection.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 3-6, 8-11, 13-16, 18-21, 23-29 have been considered but are not persuasive. Regarding the argument "globally turn off...without editing the customer selected preferences", Logan discloses at pars. 399-404 (the family editor have the ability to change the rating of segment or disable the offending attribute. this would be done via a simple thumbs up/down type of one click action on the remote...the use of an edited playlist for providing an expurgated version of a show does not prevent others from watching the show in its entirety. Thus, parents may filter movies for their children, but may watch the same movies in their entirety when their children are not present...In another form of "viewing with parents", the default could be that an adult segment would automatically be skipped unless the system was told otherwise...the adult could read the index information or decide based on other circumstances to override the setting and have the segment play". Thus, the interface seems to provide an option/feature to enable the customer to allow/override blocked movies or blocked sections to be displayed. Therefore, seems to be equivalent to the global turn off because there is no mentioning/teaching of customer's preference needs be edited.

Regarding the Applicant's argument of "...recommended by non-customer third parties", Logan discloses at pars. 102 (a fan club for a particular actor might create a Web Site devoted to that actor and share metadata with other viewers), 227 (recommendations, ratings, descriptive EPG data, and the like from both professional reviewers and from other viewers may be returned to the user as an aid to selecting programming content of interest from the available recorded materials. Professional reviewers can be equivalent to non-customer third parties).

Regarding the Applicant's argument of claim 3, one page 16, Logan does not teach "automatically ...record a plurality of programs simultaneously", Logan discloses at pars. 225, 249 (since the user typically has only one or a few tuners available, and/or a limited capability to record plural programs at the same time, and limited storage, predictive tuning may be applied to increase the likelihood that programming will be captured which best fits the user's preferences. Therefore, Logan's teaching is not limiting to recording a plurality of programs at the same time/simultaneously).

Regarding the Applicant's argument of claim 13, one page 16, Logan does not teach "evaluate the customer entity's service plan and filtering...", Logan discloses at pars. 254-255 (fee to view copies, prevent preview segments from being transferred to another user); 419 (business rules, digital right management, and payment systems could be associated via metadata to the content allowing or disallowing functions); 427-428 (payment systems ...allowing users to purchase special rights for a show or parts of a show...buying the rights to copy to a permanent archive or a permanently saved portion of the PVR hard drive...)

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trujillo can be reached on 571-272-3677. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LINH BLACK  
Examiner  
Art Unit 2169

/HUNG Q. PHAM/  
Primary Examiner, Art Unit 2169